

Civil No. 2:05 CV 718 PGC

### **STIPULATION OF SETTLEMENT**

Plaintiff, the Secretary of Labor, United States Department of Labor (hereinafter referred to as the “Secretary”) and Local 1700, Amalgamated Transit Union (hereinafter referred to as “Local 1700”), stipulate and agree as follows:

1. This action was brought by the Secretary pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (“LMRDA” or “Act”), 29 U.S.C. § 401, et seq., for the purpose of setting aside five of nine elected offices resulting from Defendant Local 1700’s regular triennial primary election in November 2004, and to request a new election for those positions to be held under the supervision of the Secretary.

2. The parties, in settlement of this action, hereby stipulate and agree that Local 1700 shall conduct its regular triennial election under the supervision of the Secretary. The election, including nominations, primary election and runoff election, is currently scheduled pursuant to Local 1700 By-Laws to be concluded by December 31, 2007.

3. The supervised election shall be conducted in accordance with Title IV of the Act, 29 U.S.C. § 481 et seq. and, insofar as lawful and practicable, in accordance with Local 1700’s Bylaws, and the Amalgamated Transit Union’s Constitution and General Laws.

4. All decisions as to the interpretation or application of Title IV of the Act relating to the supervised election are to be determined by the Secretary, subject to challenge in this Court.

5. The Court shall retain jurisdiction of this action and after completion of the supervised election the Secretary shall certify to the Court the names of the persons so elected, and that such election was conducted in accordance with Title IV of the Act, and insofar as lawful and practicable, in accordance with the provisions of the Constitution and General Laws

of the Amalgamated Transit Union and Local 1700's Bylaws. Upon approval of such certification, the Court shall enter a Judgment declaring that such persons have been elected as shown by such certification.

6. Entering into this Stipulation of Settlement shall not be deemed an admission by Local 1700 of any of the violations alleged by the Secretary in her complaint.

7. Each party hereby agrees to bear its own fees, costs, and other expenses incurred by such party in connection with any stage of this proceeding.

Dated this 22nd day of January 2007.

Respectfully submitted,

/s/ Joseph M. Burns  
Joseph M. Burns  
Ed Gale  
Jacobs, Burns, Orlove, Stanton & Hernandez  
122 South Michigan Avenue, Suite 1720  
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312-372-1646  
*(Signed copy of document bearing  
signature of Joseph M. Burns is being  
maintained in Plaintiff's Office)*

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Attorneys for the Defendant

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/s/ Jennifer A. Casey  
Jennifer A. Casey  
Trial Attorney

/s/ Lydia Tzagoloff  
Lydia Tzagoloff  
Trial Attorney

Attorneys for the Plaintiff

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2007, I electronically filed the Stipulation of Settlement with the Clerk of the Court using the CM/ECF filing system which will send notification of such filing to the following counsel of record:

Brett L. Tolman, United States Attorney  
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/s/ Jeannette F. Swent  
Jeannette F. Swent, AUSA

I further certify that on January 22, 2007, copies of the Stipulation of Settlement were served first class mail, postage prepaid, on the following individuals:

James D. Walker  
412 Rustic Road  
North Versailles, PA 15137

/s/ Jennifer A. Casey  
Jennifer A. Casey, Trial Attorney